

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

THE HIPSAVER COMPANY, INC.,

Plaintiffs,

v.

J.T. POSEY COMPANY,

Defendant.

Civil Action No. 05-10917 PBS

AND RELATED COUNTERCLAIM

**ASSENTED-TO MOTION FOR LEAVE
TO FILE DOCUMENT UNDER SEAL¹**

Pursuant to Local Rule 7.2, defendant J.T. Posey Company (“J.T. Posey”) hereby moves, with the assent of plaintiff The HipSaver Company, Inc. (“HipSaver”), for leave to file the following documents under seal:

1. Exhibit “B” to the Declaration of Douglas H. Morseburg in Opposition to the Motion of The HipSaver Company, Inc. for Order Compelling Production of Documents (filed electronically on May 1, 2005, as docket number 123) - Exhibit “B” is a Rule 26(a) Report Regarding Damages Prepared by Creighton Hoffman and Philip Green;
2. Exhibit “D” to the Declaration of Douglas H. Morseburg in Opposition to the Motion of The HipSaver Company, Inc. for Order Compelling Production of Documents (filed electronically on May 1, 2005, as docket number 123) - Exhibit “D” contains portions of the transcript of the deposition of HipSaver’s president, Edward Goodwin, on October 18, 2005; and

¹ This motion is being filed electronically pursuant to the Court’s Electronic Case Filing Administrative Procedures. The exhibits themselves will be filed with the Court on paper together with a copy of this motion.

3. Exhibit "E" to the Declaration of Douglas H. Morseburg in Opposition to the Motion of The HipSaver Company, Inc. for Order Compelling Production of Documents (filed electronically on May 1, 2005, as docket number 123) - Exhibit "E" is the Declaration of Jeffrey Yates in Support of J.T. Posey Company's Motion for Summary Judgment.

Each of these exhibits has been designated "Confidential – Attorneys' Eyes Only" under the Protective Order in this matter (Docket No. 48).

Pursuant to paragraph 4 of the Protective Order, J.T. Posey Company requests that these exhibits remain impounded until thirty (30) days after the entry of final judgment in this matter, at which time the materials will be retrieved by counsel for J.T. Posey Company.

WHEREFORE, it is respectfully requested that the Court grant this assented-to motion for leave to file the above-described document under seal.

J.T. POSEY COMPANY
By its attorneys,

Date: May 2, 2006

/s/ Anthony J. Fitzpatrick
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CERTIFICATE OF SERVICE

I, Anthony J. Fitzpatrick, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on May 2, 2006.

/s/ Anthony J. Fitzpatrick
Anthony J. Fitzpatrick

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